

ROBERT A. EDER, JR. (# 8056)  
Attorney for the Debtor(s)  
5667 S. Redwood Road, Suite 8  
Salt Lake City, Utah 84123  
Telephone (801) 265-1836  
Facsimile (801) 265-1866  
rob@ederlaw.net

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**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF UTAH**

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**IN RE:**

**DAVID M. McKAY and  
SHALECE McKAY,**

**Debtor(s).**

**Bankruptcy Case No. 11-35951 WTT**

**Chapter 13**

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**DEBTORS' AMENDED MOTION TO AUTHORIZE SALE OF REAL PROPERTY,  
REDUCE CLAIM NO. 12 IN FAVOR OF BANK OF CAMDEN TO ZERO,  
AUTHORIZE EMPLOYMENT OF REAL ESTATE AGENT, AND AWARD  
ATTORNEY'S FEES**

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Pursuant to 11 U.S.C. § 363(b) and Federal Rule of Bankruptcy Procedure 6004, Debtors David M. McKay and Shalece McKay move the Court for an Order authorizing Debtors to sell their home, reducing Claim No. 12 in favor of Bank of Camden to zero, authorizing employment of a real estate agent, and awarding attorney's fees. Debtors' Motion is based upon the following reasons:

1. Debtors filed the above Chapter 13 bankruptcy case on November 4, 2011 and Debtors' Chapter 13 Plan has been confirmed.
2. Debtors own a home and real property located at 450 North 400 East, Lehi, Utah,

hereafter referred to as “the Property.”

3. The Property is encumbered by a first mortgage loan in favor of Bank of Camden and a second mortgage loan in favor of Douglas Yates.

4. Debtors have negotiated a sale of the Property to **Trevor Mark and Denesia Avrilla Olsen**, unrelated third parties, for **\$182,500.00**. A copy of the proposed Settlement Statement for the transaction is attached hereto as Exhibit "1" and is incorporated by reference.

5. The sale shall be free of any liens and encumbrances, with the exception of any valid existing liens, which shall be paid through the closing of the sale.

6. Debtors shall also contribute **\$6,125.00** towards the buyer’s closing costs associated with the transaction.

7. Upon the sale of the Property, Bank of Camden should receive no further distribution through Debtors’ Chapter 13 Plan on Claim No. 12 because Bank of Camden will be paid in full from the sale proceeds, and Claim No. 12 in favor of Bank of Camden should be reduced to zero. Furthermore, the Chapter 13 Trustee should be allowed to administer and close the case without receipt of an amended proof of claim from Bank of Camden.

8. The Chapter 13 Trustee should be entitled to receive his commission on any amounts that would otherwise have been paid by the Chapter 13 Trustee pursuant to Debtors’ Chapter 13 Plan.

9. After payment of closing costs and liens, Debtors will receive net proceeds from the sale, estimated to be approximately \$23,000.00. Debtors will retain the net proceeds pursuant to their homestead exemption provided for under Utah Code Ann. §78B-5-503.

10. Debtors wish to employ SuAnne Hoffman as a real estate agent in connection with the

sale of the Property. Ms. Hoffman is a real estate agent with the real estate brokerage of Keller Williams.

11. Ms. Hoffman does not hold or represent any interest adverse to the estate and she is a disinterested party.

12. Ms. Hoffman has agreed to render her professional service as a real estate agent in exchange for a sales commission of 6% of the sales price, which she may share with the real estate agent for the buyer. Debtors believe that this is a reasonable fee and is similar to the fees charged by other real estate brokers in the community, and Debtors request that the Court allow payment of this fee.

13. Debtors' attorney has incurred, or will incur, attorney's fees and costs in an amount up to \$1,000.00 in connection with this Motion. Said fees and costs should be allowed as an administrative expense and paid by the Chapter 13 Trustee.

For the above reasons, Debtors request that this Court grant Debtors' Motion to Authorize Sale of Real Property, Reduce Claim No. 12 in Favor of Bank of Camden to Zero, Authorize Employment of Real Estate Agent, and Award Attorney's Fees.

Dated April 22, 2015.

/S/ Robert A. Eder, Jr.  
Robert A. Eder Jr.  
Attorney for the Debtor(s)